



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: December 6, 2005
Comment Deadline: January 4, 2006
Corps Action ID #: 200630218

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: Crescent Resources, LLC
Attn: David Niekamp
400 S. Tyron Street, Suite 1300
Charlotte, North Carolina 28202

Agent (if applicable): Len Rindner
3714 Spokeshave Lane
Matthews, North Carolina 28105

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to Section 404 of the Clean Water Act.

Location

The property is located in the northeast quadrant of US Hwy 521 and Ardrey Kell Road (SR 3632), in Charlotte, Mecklenburg County, North Carolina (35.0230°N, -80.8472°W) and is approximately 18 acres in size. The site contains wetlands as determined by the USACE 1987 Wetland Delineation Manual and an open water pond. The wetlands and pond are adjacent to stream channels with indicators of ordinary high water marks located off property. The stream channel is an unnamed tributary to Clems Branch which flows into the Catawba River. The Catawba River ultimately flows into the Atlantic Ocean through the Santee-Cooper River in South Carolina.

Existing Site Conditions

The property is 18.79 acres in size and is dominated by timbered woodland and successional fields. A majority of the site is in various stages of succession from formerly farmed areas and timbered woodland. The open fields on the site have been

periodically mowed and are dominated by broomsedge (*Andropogon virginicus*), goldenrod (*Solidago spp.*), and bush clover (*Lespedeza spp.*). Transitional areas with less frequent mowing contain blackberry (*Rubus betulifolius*), greenbriar (*Smilax glauca*), eastern red cedar (*Juniperus virginiana*) and pine (*Pinus spp.*) saplings. The upland forested areas on the site are dominated by a mix of various pine and hardwood species. The tree canopy is generally composed of the following species: loblolly pine (*Pinus taeda*), eastern red cedar, sweetgum (*Liquidambar styraciflua*), red maple (*Acer rubrum*), red oak (*Quercus rubrum*), white oak (*Quercus alba*), and tulip poplar (*Liriodendron tulipifera*). The subcanopy consists of saplings of the canopy species in addition to black cherry (*Prunus serotina*), holly (*Ilex opaca*), dogwood (*Cornus florida*), elm (*Ulmus rubra*), privet (*Ligustrum sinense*), poison ivy (*Toxicodendron radicans*), muscadine grape (*Vitis rotundifolia*), and honeysuckle (*Lonicera japonica*).

Approximately 2.13 acres of an open water pond is located adjacent to the eastern boundary of the property. Previous property owners created the pond by constructing an earthen dam to impound overland flow for irrigation purposes. There is a jurisdictional stream channel immediately downstream of the pond dam that flows off property. The wetlands on the site are classified as headwater wetlands and are located immediately adjacent to the upstream end of the pond. This wetland area most likely formed due to a perched groundwater table resulting from the pond construction. The main source of hydrology for this wetland is groundwater, overland flow, and temporary flooding from the pond. The wetland area is approximately 0.27 acres in size and consist of the following species: green ash (*Fraxinus pennsylvanica*), sweetgum (*Liquidambar styraciflua*), red maple (*Acer rubrum*), silky dogwood (*Cornus amomum*), willow (*Salix nigra*), tag alder (*Alnus serrulata*), poison ivy (*Toxicodendron radicans*), greenbriar (*Smilax rotundifolia*), *Carex spp.*, *Juncus spp.*, and jewelweed (*Impatiens capensis*). This wetland area is the only jurisdictional area located upstream of the pond. There are no stream channels or adjacent wetlands upstream of this point.

The NRCS Soil Survey of Mecklenburg County, North Carolina maps the following soils on this site: Appling sandy loam (ApB) and Helena sandy loam (HeB). None of the soils mapped by the NRCS Soil Survey are considered hydric in nature, however Helena sandy loam are known to have hydric inclusions.

Applicant's Stated Purpose

As stated by the applicant, the purpose and need for the project is to construct a commercial retail development at the intersection of US Hwy 521 and Ardrey Kell Road, in Charlotte, Mecklenburg County, North Carolina. Proposed facilities include retail stores, office space, a bank, a daycare center, parking, and storm water management facilities.

Project Description

The applicant is proposing to place fill into 0.26 acre of wetlands and 1.0 acre of the open water pond in order to construct building pads for the commercial development. The applicant is proposing to convert the remaining 1.13 acre of open water pond into a extended wetland detention area for storm water management. The storm water facility will be designed to meet the requirements in NCDENR Stormwater Best Management Practices (April 1999). The proposed design includes a forebay, vegetated marsh, and permanent pool. Proposed impacts on the site will result in the loss of 0.26 acre of wetlands and 2.13 acre of open water.

The applicant is proposing to mitigate for these impacts by making payment into the North Carolina Ecosystem Enhancement Program (NCEEP) for 1.0 acre of riparian wetlands. The project site is located in the Catawba River Basin (Cataloging Unit 03050103) in which traditional mitigation opportunities such as wetland restoration are limited and/or infeasible. NCEEP would provide mitigation at a 2:1 ratio by performing one or all of the following options: a) provide alternative mitigation such as enhancement in the same Cataloging Unit b) provide traditional compensatory mitigation such as restoration in an adjacent Cataloging Unit c) provide preservation in the same Cataloging Unit.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by January 4, 2006.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Also, by letter dated August 4, 2005 (ER 04-1870), the North Carolina Department of Cultural Resources commented that they were unaware of any historic resources located on the site, which would be affected by the proposed project.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

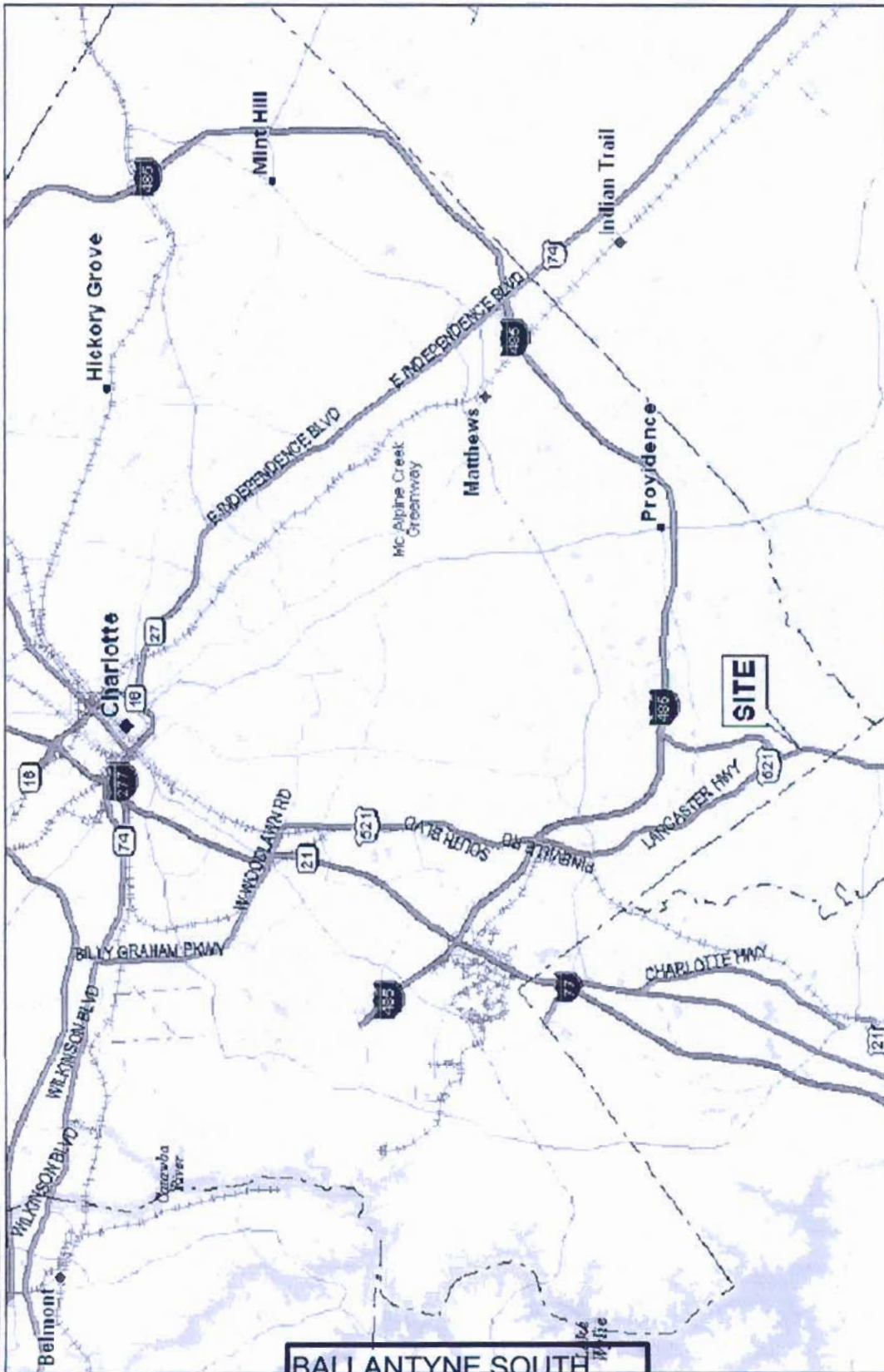
Commenting Information

The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental

Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, January 4, 2006. Comments should be submitted to Amanda Jones, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801.



BALLANTYNE SOUTH
Crescent Retail, LLC

LOCATION MAP W/IN CHARLOTTE AREA



Data Zoom 9-6



MN (7 0° W)

Data use subject to license

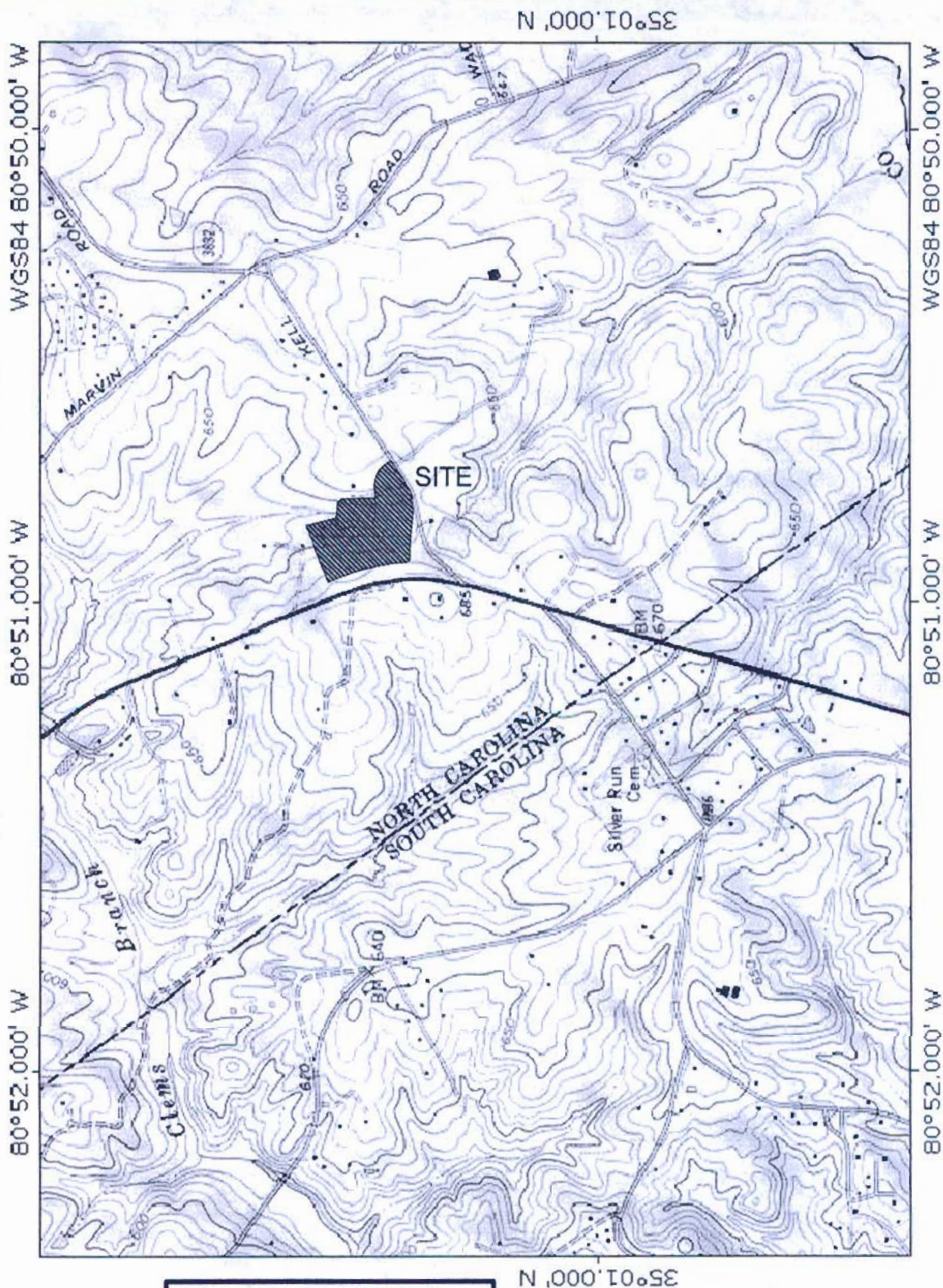
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Scale: N.T.S.

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TOPOI map printed on 10/17/05 from "Untitled.tpo"



BALLANTYNE SOUTH
Crescent Retail, LLC

USGS MAP

Scale: N.T.S.



MN TN
7°

Map created with TOPOI © 2003 National Geographic (www.nationalgeographic.com/topo)

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NOTES:

- DATE OF WETLAND SURVEY: JULY 28, 2004.
- THIS MAP IS FOR INFORMATIONAL PURPOSE.
- THIS IS NOT INTENDED TO BE A BOUNDARY SURVEY.
- BOUNDARY LINE INFORMATION TAKEN FROM ESD MAP ENTITLED: "ALTA/ACSM LAND TITLE SURVEY, WILLIAM B. HAWFIELD PROPERTY" DATED: 02/04/05

BALLANTYNE SOUTH

Crescent Retail, LLC

WETLAND SURVEY OVERALL

Scale: N.T.S.

LINE	LENGTH	BEARING	SUGGESTED
C1	221.15	N89°12'07"W	227.70
C2	221.15	N89°12'07"W	227.70
C3	221.15	N89°12'07"W	227.70
C4	221.15	N89°12'07"W	227.70

LINE	LENGTH	BEARING	SUGGESTED
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THIS SURVEY WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS OF THE STATE OF NORTH CAROLINA. THE SURVEY WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS OF THE STATE OF NORTH CAROLINA. THE SURVEY WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS OF THE STATE OF NORTH CAROLINA.

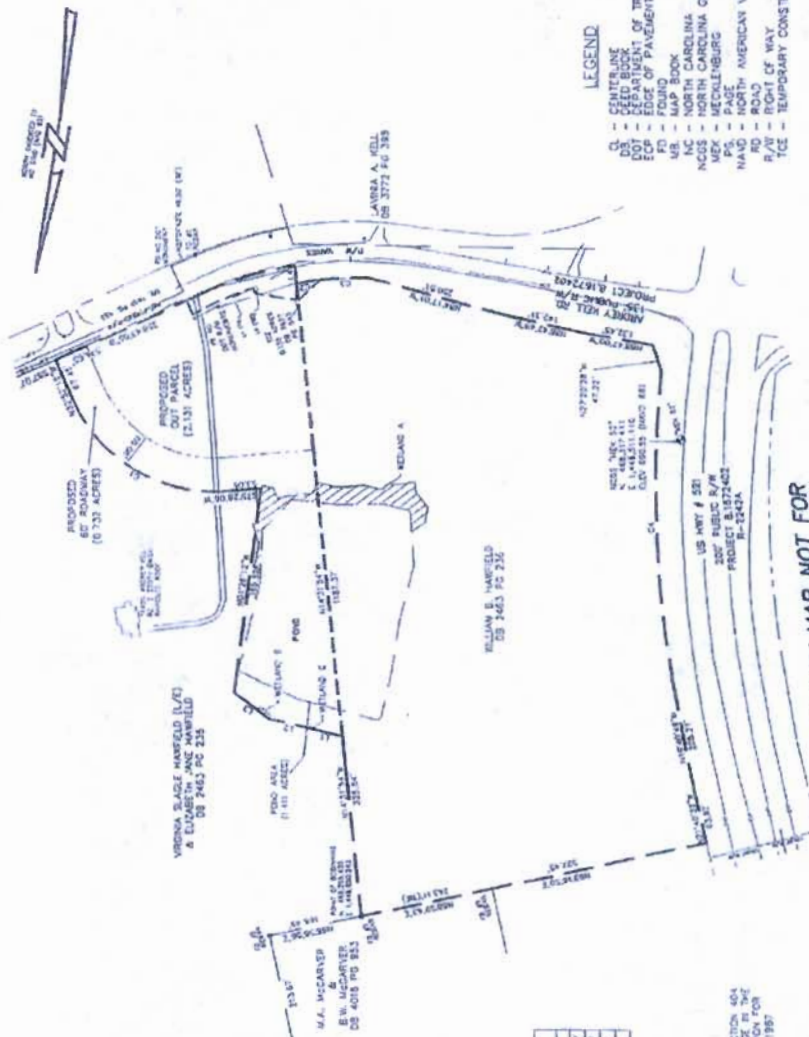
NAME: _____
FIRM: _____
DATE: _____



ESP ASSOCIATES, P.A.
engineering/surveying/planning
1102 2nd Street
Charlotte, NC 28202 (704) 333-1548



PRELIMINARY MAP NOT FOR SALE, CONVEYANCES OR RECORDATION.



LEGEND

- CL - CENTERLINE
- ED - EASEMENT
- EC - EDGE OF CANAL
- FD - FLOOD
- US - U.S. MAP BOOK
- NCOS - NORTH CAROLINA GEODETIC SURVEY
- MEX - MEXICAN
- PA - PAGE
- NAD - NORTH AMERICAN VERTICAL DATUM
- RD - ROAD
- RT - RIGHT OF WAY
- TCE - TEMPORARY CONSTRUCTION EASEMENT



COVER SHEET		DATE: 02/28/05	SHEET: 1
WETLAND SURVEY OF HAYFIELD PROPERTIES		DATE: 02/28/05	SHEET: 1
CITY OF CHARLOTTE, NORTH CAROLINA		DATE: 02/28/05	SHEET: 1
MECKLENBURG CO., NORTH CAROLINA		DATE: 02/28/05	SHEET: 1

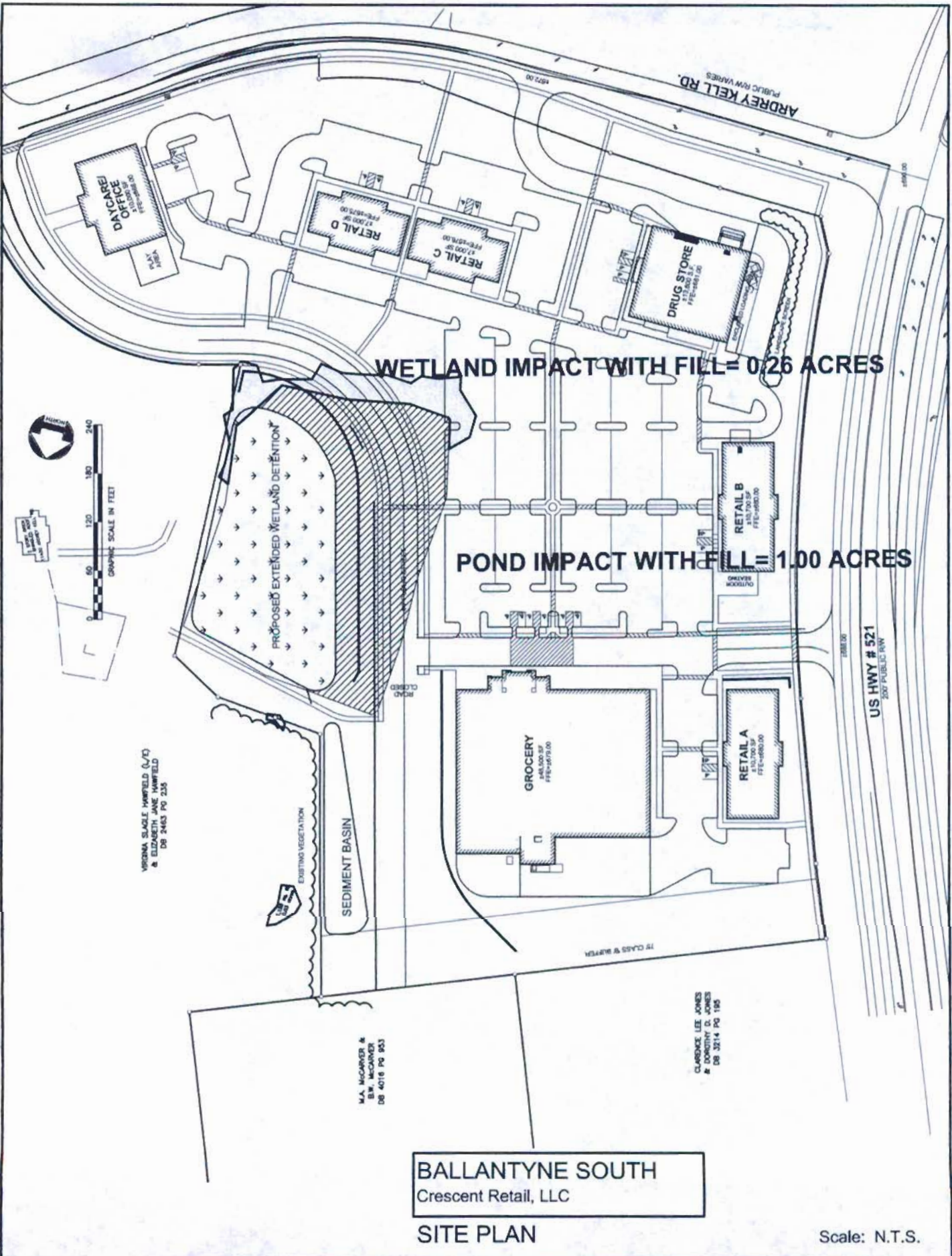
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BALLANTYNE SOUTH
Crescent Retail, LLC
INTERSECTION MAP

Scale: N.T.S.

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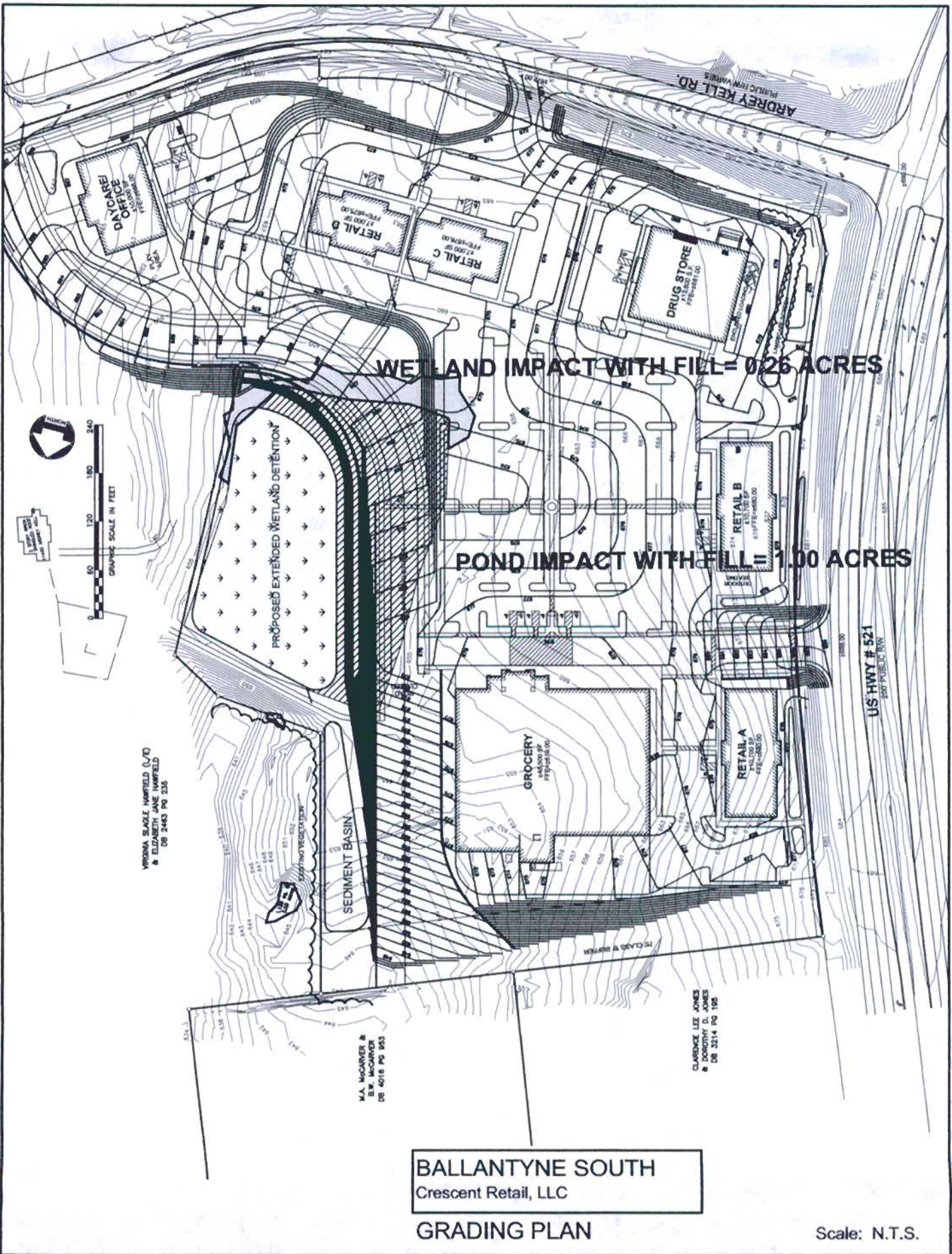
SITE PLAN

Scale: N.T.S.

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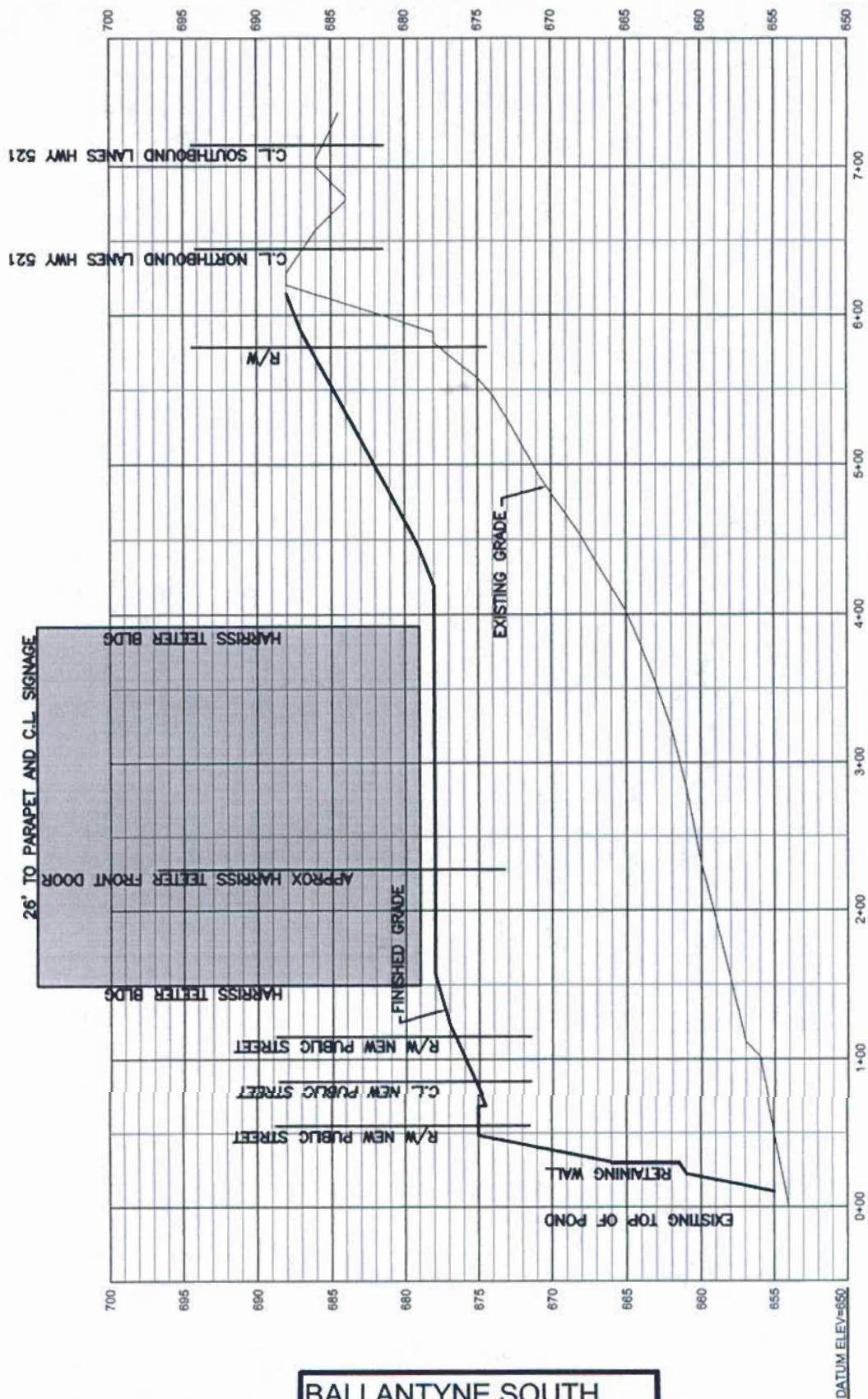
WETLAND IMPACT WITH FILL = 0.26 ACRES

POND IMPACT WITH FILL = 1.00 ACRES



20063 0218

39' TO POINT ON CABLE



LINE OF SIGHT CROSS SECTION - LINE A

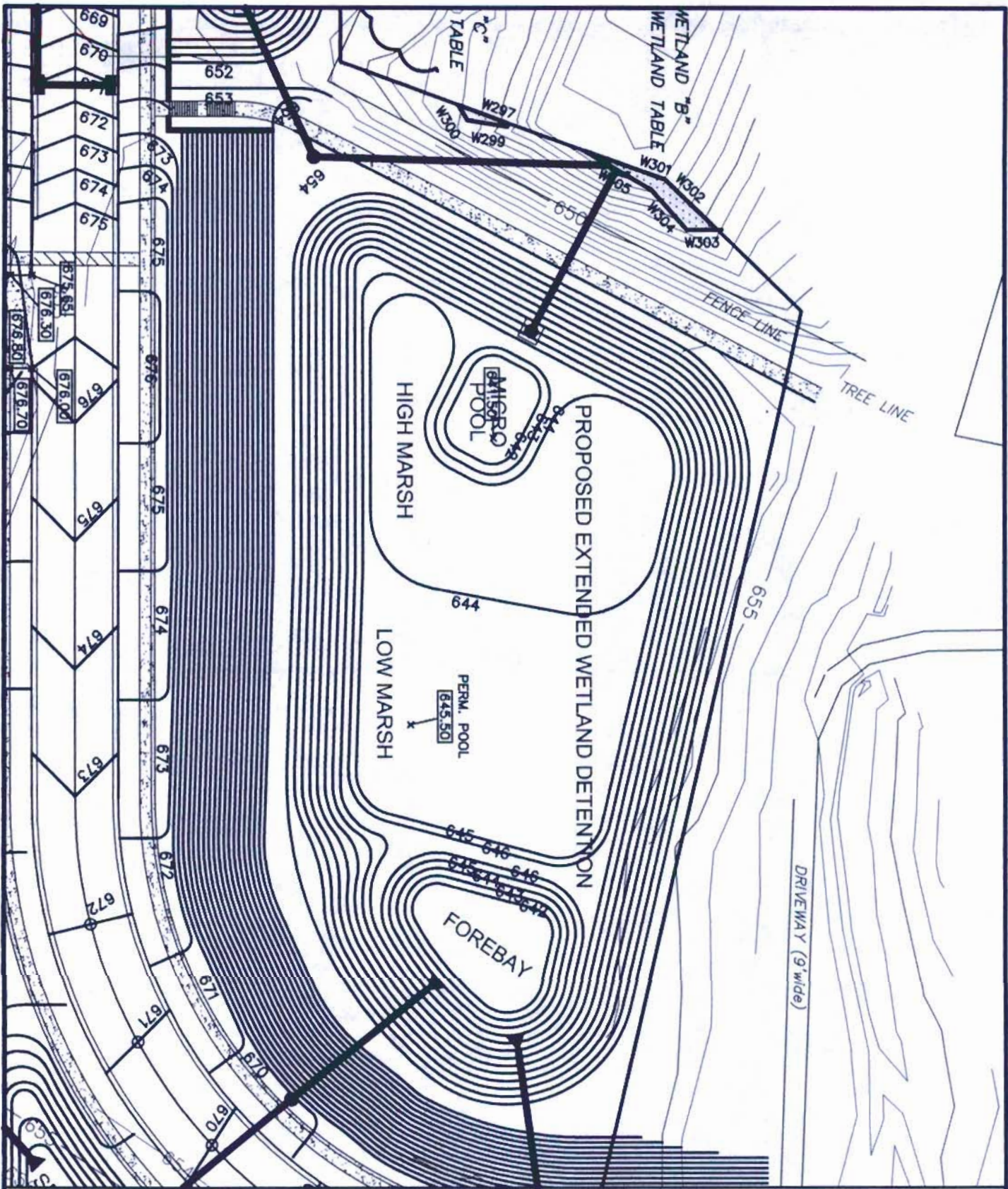
HORIZONTAL SCALE: 1"=50' VERTICAL SCALE: 1"=5'

BALLANTYNE SOUTH
Crescent Retail, LLC

CROSS SECTION THRU SITE

Scale: N.T.S.

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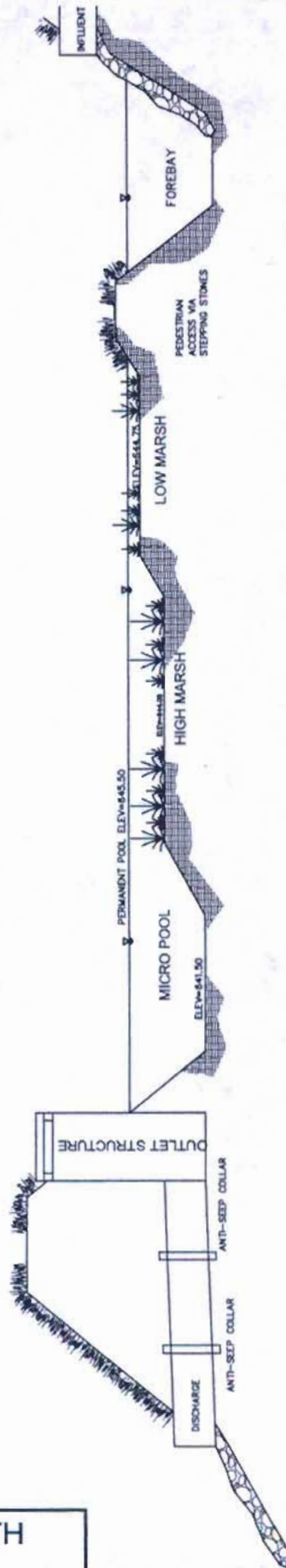


BALLANTYNE SOUTH
Crescent Retail, LLC

EXTENDED WETLAND DETENTION POND GRADING DETAIL

Scale: 1"=50'

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CROSS SECTIONAL VIEW OF EXTENDED WETLAND DETENTION

NTS

BALLANTYNE SOUTH
Crescent Retail, LLC

EXTENDED WETLAND POND CROSS SECTION

Scale: N.T.S.

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